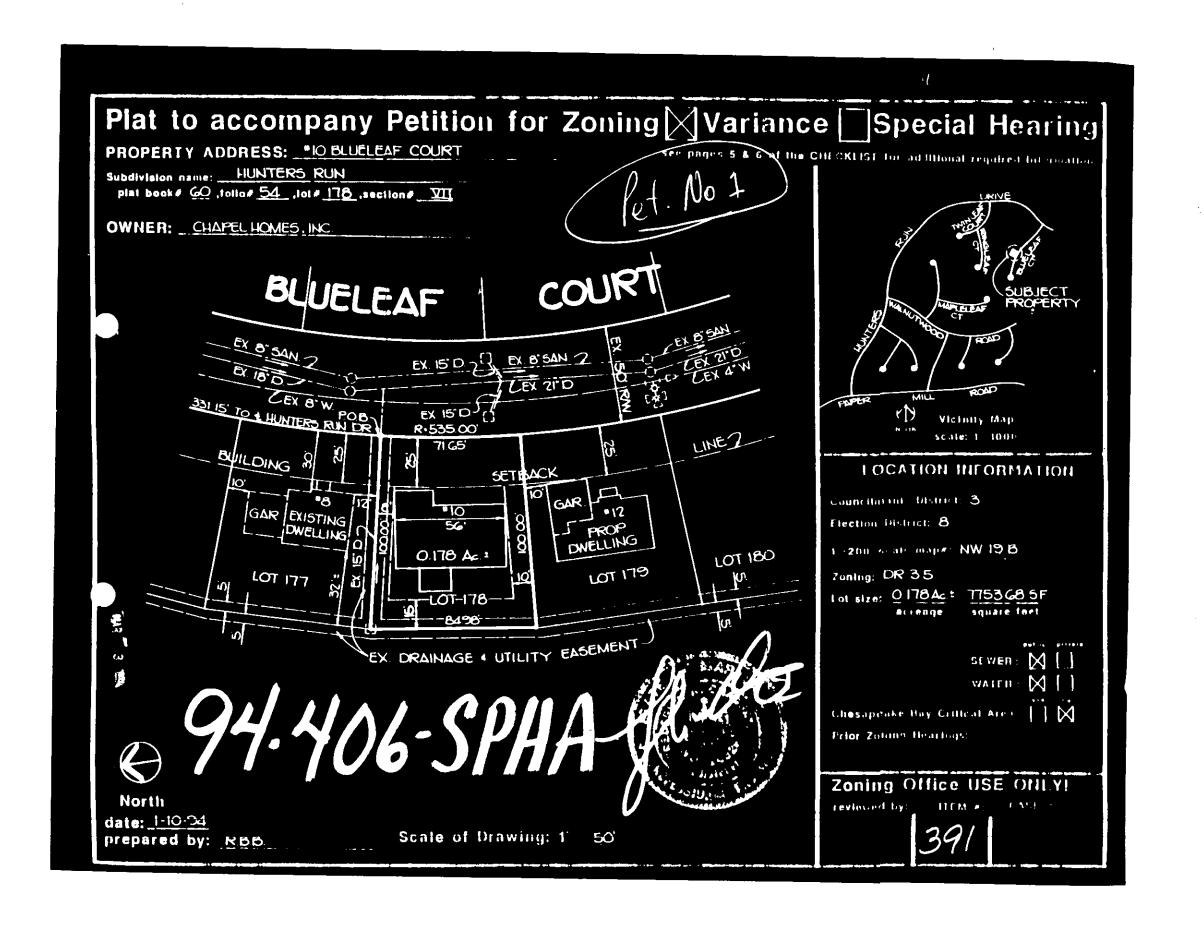


	RE:		*	BEFORE THE		
		W/S Blueleaf Court, 331' S of c/l Hunters Run Drive	*	ZONING COMMISSIONEP		
		(10 Blueleaf Court), 8th Election Dist., 3rd	*	OF BALTIMORE COUNTY		
		Councilmanic Dist.	*	Case No. 94-406-SPHA		
		CHAPEL HOMES, INC. Petitioners	*			
	*	* * * *	*	* * * * *		
	ENTRY OF APPEARANCE					
		Please enter the appearanc	e of the Pe	ople's Counsel in the above-		
	capti	ioned matter. Notice shoul	d be sent o	f any hearing dates or other		
1	proce	eedings in this matter and	of the pass	age of any preliminary or		
	final	l Order.				
			PETER M People'  CAROLE Deputy Room 47 400 Was Towson, (410) 8	VICE		
		I HEREBY CERTIFY that on the	$\frac{1}{\sqrt{2}}$	day of May, 1994, a copy of		
t	the f	oregoing Entry of Appearance	ce was mail	ed to John B. Gontrum,		
F	Esqu i	re, 814 Eastern Boulevard,	Baltimore,	MD 21221, attorney for		
F	Petit	ioners.				
			PETER M	Max Elmmernas		

TO MANAY	ANT MESSAGE		
DATE 6/10 TIME 3:023M			
OF			
PHONEArea Code	Number Extension		
TELEPHONED	V PLEASE CALL		
CAME TO SEE YOU	RETURNED YOUR CALL		
WANTS TO SEE YOU	WILL CALL AGAIN		
WILL FAX YOU	URGENT!		
Message/	iens would		
_accept	-4- M-14-14-14-14-14-14-14-14-14-14-14-14-14-		
rather Kave 54'			
Signed			
er e			

PETITIONER(S)	PETITIONER(S) SIGN-IN SHEET			
NAME	ADDRESS			
Tom Faust	108 W. Timonium RC			
War apparentiscation	800 Lock Kilver Dlice			
Hiller Rezenack				
Ewan Peperson				
Printed with Soybean Ink				
on Recycled Paper				

PLEASE PRINT CLEARLY PROTESTANT	r(s) sign—in sheet
Frank DAily	8 Bluekaf Ct. Cockepville, 14D. 21030



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 9H - 406 SPORT

Date of Posting 373794 Posted for: Special Hearing + Variones Okapel Homes One Location of property: 10 Blue 1-of ct, W/s 331'5/ HunterRun Minis Location of Signer Facing ruadway or property being zoned

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will tions of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: Case Number: 94-406-SPHA (Item 391) 10 Blueleaf Court W'S Blueleaf Court, 331' S of c/l Hunters Run Drive 8th Election District MAY 24, 1994 at 11:00 a.m in Rm. 118, C.o Special Hearing: to amend the final development plan of Section VII of Hunter's Run. Variance: to allow side building setback of 20 feet in lieu of the window sett ack; to allow height to height setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required LAWRENCE E. SCHMIDT,

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Opil 27, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_successive weeks, the first publication appearing on  $\frac{28.1974}{2}$ .

> THE JEFFERSONIAN. LEGAL AD. - TOWSON

Zoning Administration & Development Management 171 West Chesapenke Avenue 4/14/94 DROP-OFF -- NO REVIEW #010 - VARIANCE ----- \$50.00 #030 - SPECIAL HEARING ----- 50.00 #080 - SIGN POSTING (2 SIGNS @ \$35)-- 70.00 TOTAL FEES ----- \$170.00 Legal Owner: Chapel Homes, Inc. 10 Blueleaf Court Pistrict: 8c3 Attorney: John B. Gontrum 0260280149NICHRC PA C011:30AM04-14-94 Please Make Checks Payable To: Baltimore County

LAW OFFICES/ROMADKA, GONTRUM & McLAUGHLIN PAY TO Chapel Homes - Blueleaf Court \$170.00 94.3005 Filing of Petition for Variance and Request for Special Hearing & Sign. #391 CHECK DATE CHECK AMOUNT CHECK NO.

TO: PUTUXENT PUBLISHING COMPANY April 28, 1994 Issue - Jeffersonian

Please foward billing to:

John B. Gontrum, Esq. 814 Eastern Boulevard Baltimore, Maryland 21221 410-686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-406-SPHA (Item 391)

10 Blueleaf Court W/S Blueleaf Court, 331' S of c/l Hunters Run Drive

8th Election District - 3rd Councilmanic Petitioner(s): Chape! Homes, Inc.

HEARING: TUESDAY, MAY 24, 1994 at 11:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to amend the final development plan of Section VII of Hunter's Run. Variance to allow side building setback of 20 feet in lieu of the required 40-foot window to window setback; to allow height to beight setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required 15 feet.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FCR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**Baltimore County Government** Office of Zoning Administration and Development Management

Towson, MD 21204 APRIL 21, 1994

111 West Chesapeake Avenue

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-406-SPHA (Item 391)

10 Blueleaf Court W/S Blueleaf Court, 331' S of c/1 Hunters Run Drive

8th Election District - 3rd Councilmanic Petitioner(s): Chapel Homes, Inc.

HEARING: TUESDAY, MAY 24, 1994 at 11:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to amend the final development plan of Section VII of Hunter's Run. Variance to allow side building setback of 20 feet in lieu of the required 40-foot window to window setback; to allow height to height setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required 15 feet.

John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

May 9, 1994

(410) 887-3353

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: Case No. 94-406-SPHA, Item No. 391 Petitioner: Chapel Homes, Inc. Petition for Variance

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the paperopriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this crss.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other . embers of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Zoning Plans Advisory Committee Comments John B. Gontrum, Esquire Date: May 9, 1994

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Zoning Supervisor

O. James Lighthizer Hal Kassoff Acministrator

4-22-94

Re: Baltimore County
Item No.: \$\psi 391 (WCVC)\$

Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Zoning Administration and

Ms. Charlotte Minton

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTING-CHIEF Engineering Access Permits

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Sceech 1-800-735-2258 Statewide Toil Free Mailing Address: P.O. Box 717 • Baitimore, MD 21203-0717 Street Address: 707 North Calvert Street . Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE Arnold Jablon, Director DATE: April 22, 1994

Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petition: from Zoning Advisory Committee

' The Office of Planning and Zoning has no comments on the following petition(s):

Item 374, 7736 South Cove Road

Item 381, 2209 Headland Avenue Item 382, 6000 Hamilton Avenue

Item 383, 6732 Charles Street Avenue

Item 387, 1 Brigantine Court Item 389, 1044 Green Hill Farm Road

Item 391, 10 Blueleaf Court

Item 393, 100 Sunny Meadow Lane

Item 394, 2608 Harwood Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 837-3480.

PK/JL:pat

374MC.ZAC/PZONE/ZAC1

111 West Chesapeake Avenue Towson, MD 21204

4/309 April 28.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before this Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 10 Blueleaf Court, located in the Hunters Run community in northern Baltimore County. The Petitions were filed by the owners of the property, Chapel Homes, Inc., by Thomas Faust, President, through their attorney, John B. Gontrum, Esquire. The Petitioners request a special hearing to approve an amendment to the final development plan of Hunters Run, Section VII and variance relief from Sections 1801.2.C.2.b and 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.6.c, V.B.3.b, and V.B.6.b of the previous Comprehensive Manual of Development Policies (C.M.D.P.) for a proposed dwelling on Lot 178 thereof as follows:

For the distances between Lots 177 and 178: To permit a side building setback of 20 feet in lieu of the required window to window setback of 40 feet; to permit a height to height setback of 20 feet in lieu of the required 25 feet for facing elevation heights; and to permit a window to lot line setback of 8 feet in lieu of the required 15 feet on the north side of Lot 178.

For the distances between Lots 178 and 179: To permit a side building setback of 20 feet in lieu of the required window to window setback of 40 feet; to permit a height to height setback of 20 feet in lieu

IT IS FURTHER ORDERED that the Petition for Variance seeking

relief from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.b to

permit a window to lot line setback of 8 feet in lieu of the required 15

feet between Lots 177 and 178, and a window to lot line setback of 12 feet

in lieu of the required 15 feet between Lots 178 and 179, in accordance

with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to a dwelling no wider than 54 feet on Lot 178. The proposed dwell-

ing on Lot 178 will be no closer than 12 feet to the

south side property line adjoining Lot 179. Further-

more, the dwelling on Lot 178 shall have no windows on

3) When applying for a building permit, the site

plan filed must reference this case and set forth and

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of

the C.M.D.P. to permit a side building setback of 20 feet in lieu of the

required window to window setback of 40 feet between Lots 177 and 178 in

accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.b to

permit a window to lot line setback of 8 feet in lieu of the required 15

IT IS FURTHER ORDERED that the Petition for Variance seeking

IT IS FURTHER ORDERED that the Petition for Variance seeking

the north side facing Lot 177.

address the restrictions of this Order.

of the required 25 feet for facing elevation heights; and to permit a window to lot line setback of 10 feet in lieu of the required 15 feet on the south side of Lot 178. The subject property and relief sought are more fully described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Thomas Faust, President of Chapel Homes, Inc., Henry Fischer, and John B. Gontrum, Esquire. Appearing as a Protestant in the matter was Frank Daily, adjacent property owner of Lot 177.

Testimony and evidence presented revealed that the subject property, known as Lot 178 of Hunters Run, consists of 0.178 acres, more or less. zoned D.R. 3.5 and is proposed for development with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the location of existing improvements on both sides of the subject property, the requested variances are necessary in order to develop the property consistent with other homes in this development. Testimony revealed that the requested variances are necessary in order to meet market demands for larger homes with windows on smaller lots. Mr. Faust testified that 70% of the homes in this development have windows on both sides of the dwelling. The house on adjoining Lot 177 has windows on the south side facing Lot 178. In addition, the house on Lot 179 is nearing completion and has been built with windows on both sides. The Petitioner proposes to construct a dwelling 56 feet in width on Lot 178, with windows on both sides, and thus, has requested the instant variances. The Petitioner testified that this development was approved under the old C.M.D.P. regulations and as a result, must meet those requirements; however, under the current regulations no variances would be necessary.

Mr. Frank Daily appeared and testified in opposition to the relief requested. Mr. Daily resides on adjacent Lot 177 and is generally opposed to the location of the proposed dwelling. He stated that he would like to see a greater distance between the proposed dwelling and his home.

Further testimony revealed that this Developer has several model homes from which to choose within this development. The dwelling proposed for Lot 178 is known as the Talbot and is 56 feet wide. In the opinion of this Zoning Commissioner, the Developer could construct a smaller home on this lot without compromising the character of the neighborhood and still meet the needs of any prospective buyer. Furthermore, in order to address the concerns raised by Mr. Daily, I shall restrict the Developer from placing windows on the north side of the proposed dwelling. Accordingly, a modified relief shall be granted and I shall so Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

1) whether strict compliance with requirement would

difficulty for an area variance, the Petitioner must meet the following:

unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

Office of Planning and Zoning

Baltimore County Government Zoning Commissioner

June 15, 1994

(410) 887-4386

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE W/S Blueleaf Court, 331'S of c/l Hunters Run Drive (10 Blueleaf Court) 8th Election District - 3rd Councilmanic District Chapel Homes, Inc. - Petitioner Case No. 94-406-SPHA

Dear Mr. Gontrum:

Suite 113 Courthouse

Towson, MĎ 21204

400 Washington Avenue

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Thomas Faust, President Chapel Homes, Inc., P.O. Box 4397, Timonium, Md. 21093

People's Counsel

814 Eastern Blvd.

to the Zoning Commissioner of Baltimore County

for the property located at #10 Blueleaf Court

which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.2.b and the previous CMDP Section V.B.6.c to allow side building setback of 20 feet in lieu of the required 40 foot window to window setback; 1801.2.C.1 and the previous CMDP Section V.B.3.b to allow height to height setback of 20 feet for facing elevation reights in lieu of the required 25 feet; 1801.2.C.2.b and the previous CMDP Section V.B.6.b to allow window to lot line of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or setback of

rectical difficulty)
\*and special hearing to amend the final development planof Sec. VI feet in
\*unter's Run lieu of the Petition for Special Hearing and Variance is sought to conform house on Run lot 178 to houses already constructed on adjacent lots which call for dwelling and garage attached. Proposed house would be in basic conformity with the new development requirements which permit great flexibility in the size and placement of houses than those required in effect at the time of the final Property is to be posted and advertised as prescribed by Zoning Regulations. development plan.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

be bound by the zoning regulations and restrictions of Saltimore County adopted pursuant to the Zoning Law for Saltimore County.

We do solemnly ductors and affirm, under the consists of panury, that the are the Chapel Homes, Inc.

John B. Gontrum, Esquire (410)560-1182 Maryland ROMADKA, GONTRUM & MCLAUGHLIN, P.A.

Essex, Maryland 21221 (410)686-8274

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

After due consideration of the testimony and evidence presented,

it is clear that practical difficulty or unreasonable hardship will result

if the special hearing and variance relief, as modified, were not granted.

It has been established that special circumstances or conditions exist

that are peculiar to the land or structure which is the subject of these

requests and that the requirements from which the Petitioner seeks relief

will unduly restrict the use of the land due to the special conditions

unique to this particular parcel. In addition, the relief granted will

not cause any injury to the public health, safety or general welfare and

public hearing on this Petition held, and for the reasons given above, the

more County this buday of June, 1994 that the Petition for Special

Hearing to approve an amendment to the final development plan of Hunters

Run, Section VII, be and is hereby GRANTED for a proposed dwelling on Lot

the B.C.Z.R. and Section V.B.3.b of the C.M.D.P. to permit a height to

height setback of 22 feet in lieu of the required 25 feet for facing eleva-

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of

the C.M.D.P. to permit a side building setback of 22 feet in lieu of the

required window to window setback of 40 feet between Lots 178 and 179, be

tion heights between Lots 178 and 179, be and is hereby GRANTED; and,

special hearing and variance relief, as modified, should be granted.

178 a maximum of 54 feet in width; and,

and is hereby GRANTED; and.

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT, IS ORDERED by the Zoning Commissioner for Balti-

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1 of

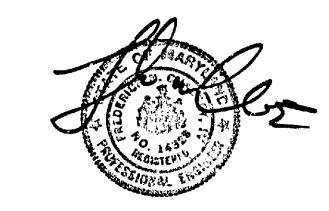
IT IS FURTHER ORDERED that the Petition for Variance seeking

is in strict harmony with the spirit and intent of the B.C.Z.R.

ZONING DESCRIPTION LOT 178, BLK. G. HUNTERS RUN, SECTION 7

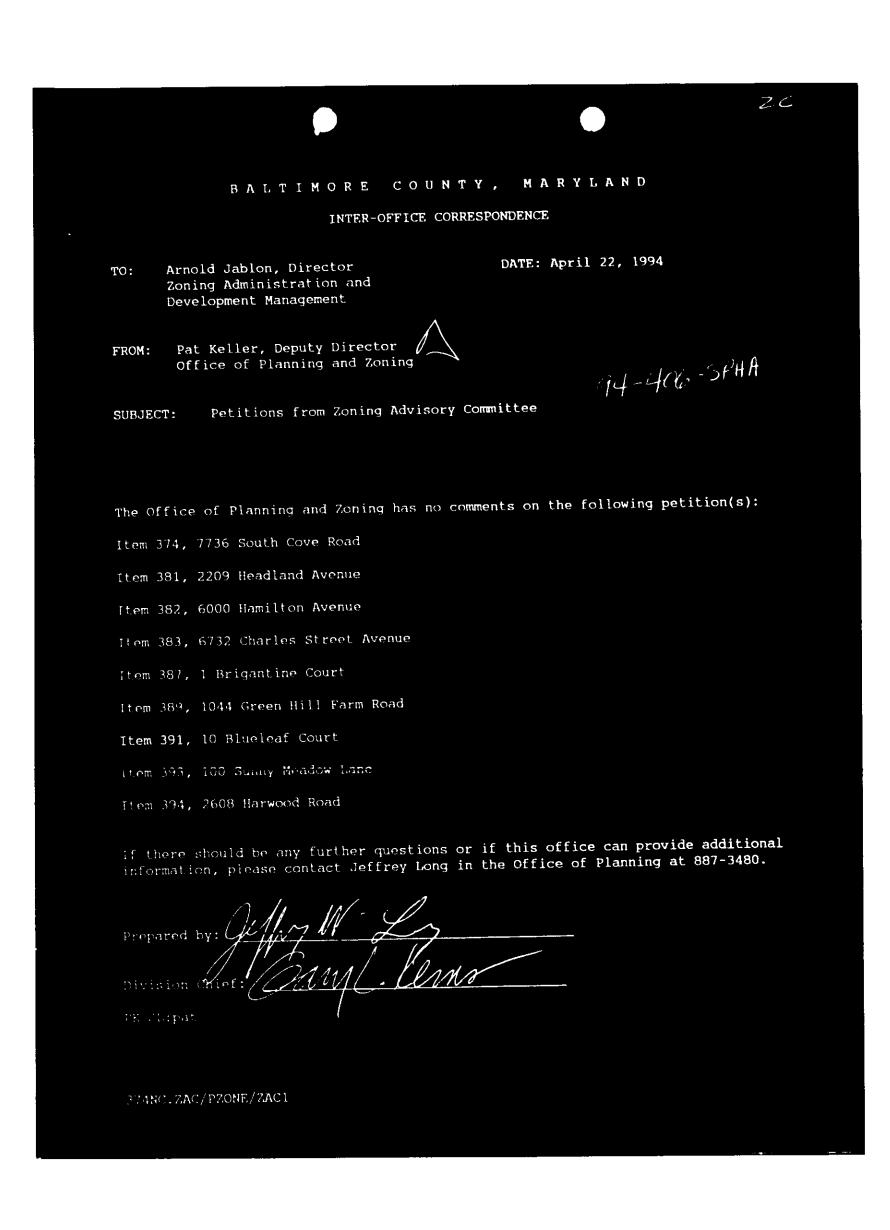
Beginning at a point on the west side of Blueleaf Court which is 50 feet wide at the distance of 331.25 feet south of the center line of the nearest improved intersecting street, Hunters Run Drive which is 50 feet wide. Being Lot #178, Block G, Section VII in the subdivision of Hunters Run as recorded in Baltimore County Plat Book S.M. 60, Folio 54, containing 0.178 Ac. ±. Also known as #10 Blueleaf Court and located in the 8th Election District.

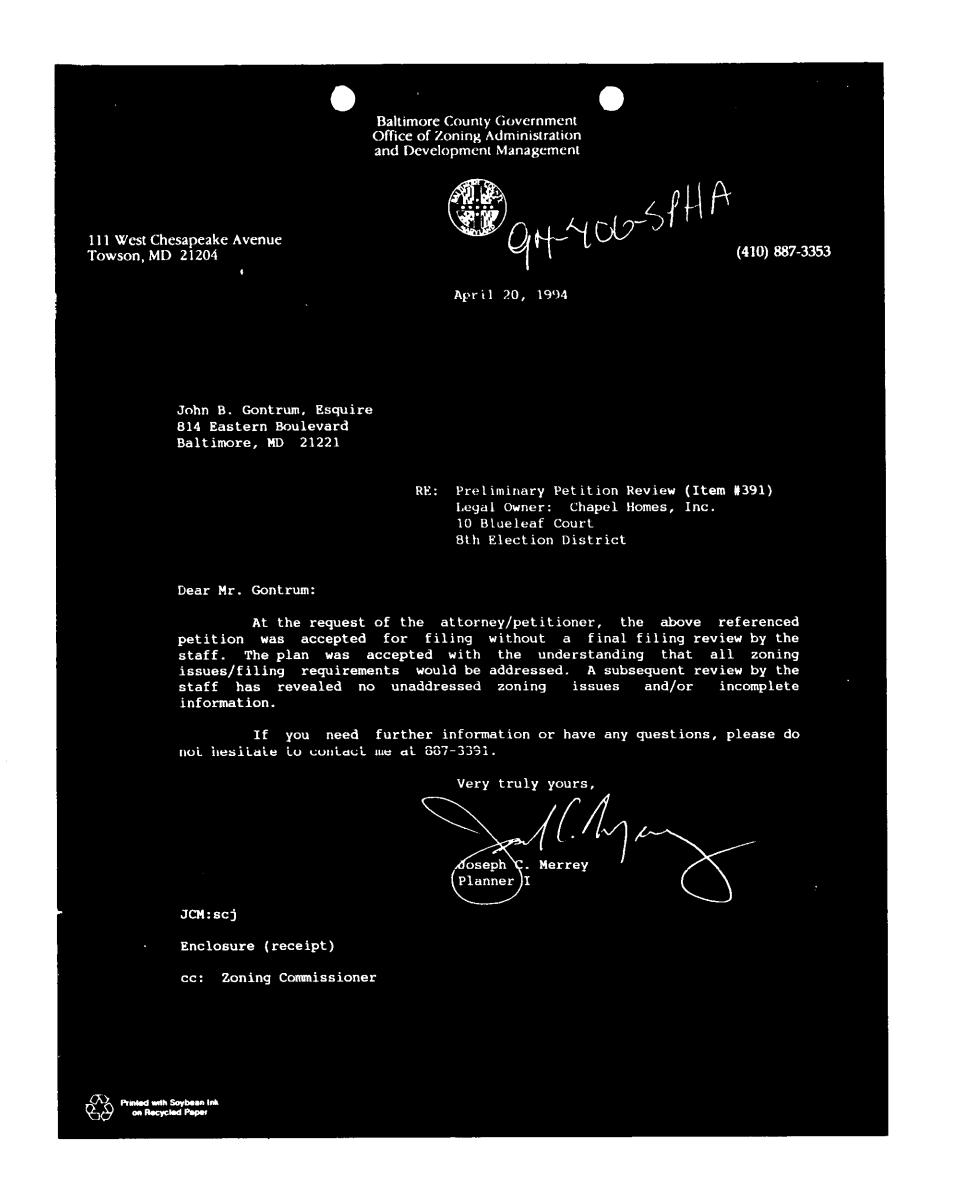
NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCE OR AGREEMENTS.



MOOT; and,

following restrictions:



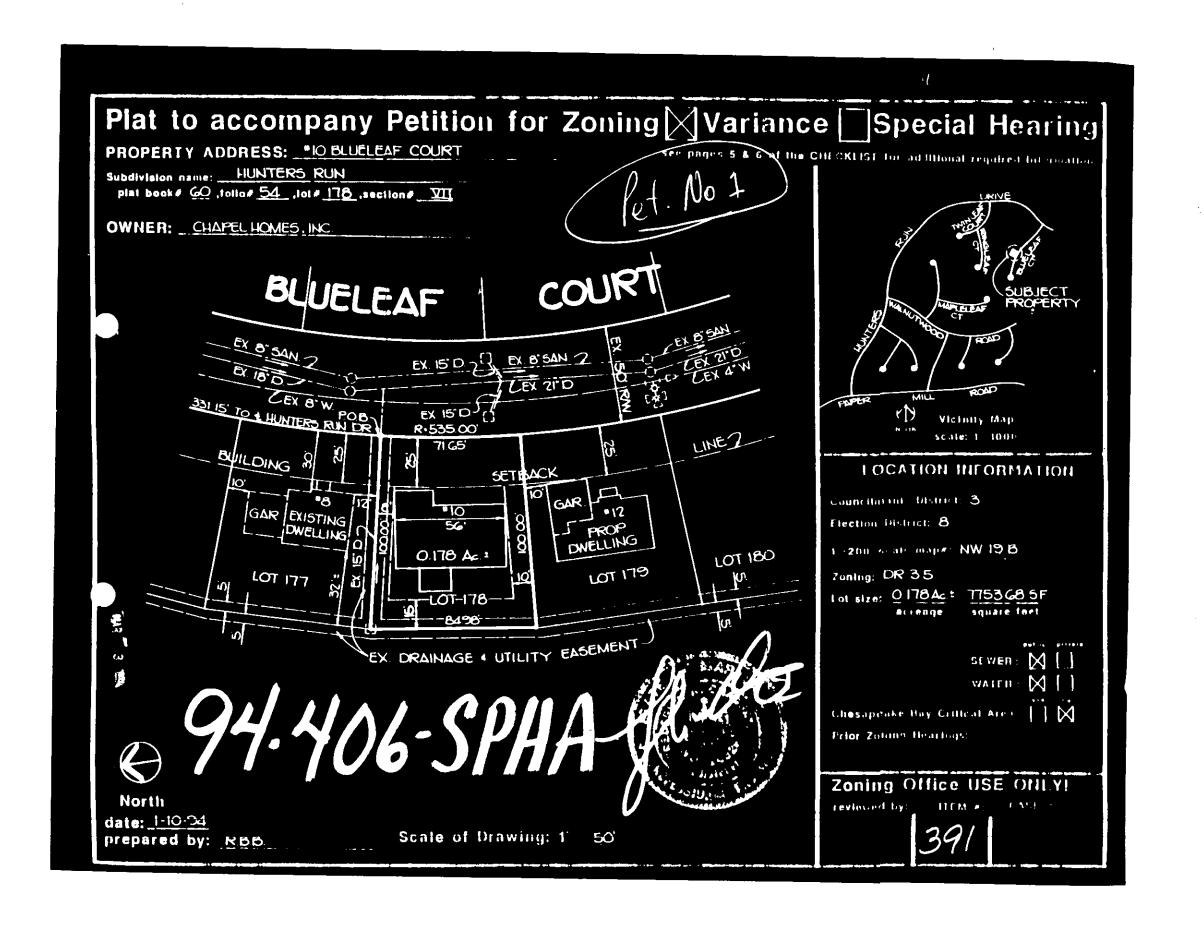


	RE:		*	BEFORE THE		
		W/S Blueleaf Court, 331' S of c/l Hunters Run Drive	*	ZONING COMMISSIONEP		
		(10 Blueleaf Court), 8th Election Dist., 3rd	*	OF BALTIMORE COUNTY		
		Councilmanic Dist.	*	Case No. 94-406-SPHA		
		CHAPEL HOMES, INC. Petitioners	*			
	*	* * * *	*	* * * * *		
	ENTRY OF APPEARANCE					
		Please enter the appearanc	e of the Pe	ople's Counsel in the above-		
	capti	ioned matter. Notice shoul	d be sent o	f any hearing dates or other		
1	proce	eedings in this matter and	of the pass	age of any preliminary or		
	final	l Order.				
			PETER M People'  CAROLE Deputy Room 47 400 Was Towson, (410) 8	VICE		
		I HEREBY CERTIFY that on the	$\frac{1}{\sqrt{2}}$	day of May, 1994, a copy of		
t	the f	oregoing Entry of Appearance	ce was mail	ed to John B. Gontrum,		
F	Esqu i	re, 814 Eastern Boulevard,	Baltimore,	MD 21221, attorney for		
F	Petit	ioners.				
			PETER M	Max Elmmernas		

TO MANAY	ANT MESSAGE		
DATE 6/10 TIME 3:023M			
OF			
PHONEArea Code	Number Extension		
TELEPHONED	V PLEASE CALL		
CAME TO SEE YOU	RETURNED YOUR CALL		
WANTS TO SEE YOU	WILL CALL AGAIN		
WILL FAX YOU	URGENT!		
Message/	iens would		
_accept	-4- M-14-14-14-14-14-14-14-14-14-14-14-14-14-		
rather Kave 54'			
Signed			
er e			

PETITIONER(S)	PETITIONER(S) SIGN-IN SHEET			
NAME	ADDRESS			
Tom Faust	108 W. Timonium RC			
War apparentiscation	800 Lock Kilver Dlice			
Hiller Rezenack				
Ewan Peperson				
Printed with Soybean Ink				
on Recycled Paper				

PLEASE PRINT CLEARLY PROTESTANT	r(s) sign—in sheet
Frank DAily	8 Bluekaf Ct. Cockepville, 14D. 21030



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 9H - 406 SPORT

Date of Posting 373794 Posted for: Special Hearing + Variones Okapel Homes One Location of property: 10 Blue 1-of ct, W/s 331'5/ HunterRun Minis Location of Signer Facing ruadway or property being zoned

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will tions of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: Case Number: 94-406-SPHA (Item 391) 10 Blueleaf Court W'S Blueleaf Court, 331' S of c/l Hunters Run Drive 8th Election District MAY 24, 1994 at 11:00 a.m in Rm. 118, C.o Special Hearing: to amend the final development plan of Section VII of Hunter's Run. Variance: to allow side building setback of 20 feet in lieu of the window sett ack; to allow height to height setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required LAWRENCE E. SCHMIDT,

## CERTIFICATE OF PUBLICATION

TOWSON, MD., Opil 27, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_successive weeks, the first publication appearing on  $\frac{28.1974}{2}$ .

> THE JEFFERSONIAN. LEGAL AD. - TOWSON

Zoning Administration & Development Management 171 West Chesapenke Avenue 4/14/94 DROP-OFF -- NO REVIEW #010 - VARIANCE ----- \$50.00 #030 - SPECIAL HEARING ----- 50.00 #080 - SIGN POSTING (2 SIGNS @ \$35)-- 70.00 TOTAL FEES ----- \$170.00 Legal Owner: Chapel Homes, Inc. 10 Blueleaf Court Pistrict: 8c3 Attorney: John B. Gontrum 0260280149NICHRC PA C011:30AM04-14-94 Please Make Checks Payable To: Baltimore County

LAW OFFICES/ROMADKA, GONTRUM & McLAUGHLIN PAY TO Chapel Homes - Blueleaf Court \$170.00 94.3005 Filing of Petition for Variance and Request for Special Hearing & Sign. #391 CHECK DATE CHECK AMOUNT CHECK NO.

TO: PUTUXENT PUBLISHING COMPANY April 28, 1994 Issue - Jeffersonian

Please foward billing to:

John B. Gontrum, Esq. 814 Eastern Boulevard Baltimore, Maryland 21221 410-686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-406-SPHA (Item 391)

10 Blueleaf Court W/S Blueleaf Court, 331' S of c/l Hunters Run Drive

8th Election District - 3rd Councilmanic Petitioner(s): Chape! Homes, Inc.

HEARING: TUESDAY, MAY 24, 1994 at 11:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to amend the final development plan of Section VII of Hunter's Run. Variance to allow side building setback of 20 feet in lieu of the required 40-foot window to window setback; to allow height to beight setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required 15 feet.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FCR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**Baltimore County Government** Office of Zoning Administration and Development Management

Towson, MD 21204 APRIL 21, 1994

111 West Chesapeake Avenue

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-406-SPHA (Item 391)

10 Blueleaf Court W/S Blueleaf Court, 331' S of c/1 Hunters Run Drive

8th Election District - 3rd Councilmanic Petitioner(s): Chapel Homes, Inc.

HEARING: TUESDAY, MAY 24, 1994 at 11:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to amend the final development plan of Section VII of Hunter's Run. Variance to allow side building setback of 20 feet in lieu of the required 40-foot window to window setback; to allow height to height setback of 20 feet for facing elevation heights in lieu of the required 25 feet; and to allow window to lot line setback of 5 feet in lieu of the required 15 feet.

John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

May 9, 1994

(410) 887-3353

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: Case No. 94-406-SPHA, Item No. 391 Petitioner: Chapel Homes, Inc. Petition for Variance

Dear Mr. Gontrum:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the paperopriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this crss.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other . embers of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 14, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Zoning Plans Advisory Committee Comments John B. Gontrum, Esquire Date: May 9, 1994

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Zoning Supervisor

O. James Lighthizer Hal Kassoff Acministrator

4-22-94

Re: Baltimore County
Item No.: \$\psi 391 (WCVC)\$

Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Zoning Administration and

Ms. Charlotte Minton

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAVID N. RAMSEY, ACTING-CHIEF Engineering Access Permits

My telephone number is \_\_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Sceech 1-800-735-2258 Statewide Toil Free Mailing Address: P.O. Box 717 • Baitimore, MD 21203-0717 Street Address: 707 North Calvert Street . Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE Arnold Jablon, Director DATE: April 22, 1994

Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petition: from Zoning Advisory Committee

' The Office of Planning and Zoning has no comments on the following petition(s):

Item 374, 7736 South Cove Road

Item 381, 2209 Headland Avenue Item 382, 6000 Hamilton Avenue

Item 383, 6732 Charles Street Avenue

Item 387, 1 Brigantine Court Item 389, 1044 Green Hill Farm Road

Item 391, 10 Blueleaf Court

Item 393, 100 Sunny Meadow Lane

Item 394, 2608 Harwood Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 837-3480.

PK/JL:pat

374MC.ZAC/PZONE/ZAC1

111 West Chesapeake Avenue Towson, MD 21204

4/309 April 28.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before this Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 10 Blueleaf Court, located in the Hunters Run community in northern Baltimore County. The Petitions were filed by the owners of the property, Chapel Homes, Inc., by Thomas Faust, President, through their attorney, John B. Gontrum, Esquire. The Petitioners request a special hearing to approve an amendment to the final development plan of Hunters Run, Section VII and variance relief from Sections 1801.2.C.2.b and 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.6.c, V.B.3.b, and V.B.6.b of the previous Comprehensive Manual of Development Policies (C.M.D.P.) for a proposed dwelling on Lot 178 thereof as follows:

For the distances between Lots 177 and 178: To permit a side building setback of 20 feet in lieu of the required window to window setback of 40 feet; to permit a height to height setback of 20 feet in lieu of the required 25 feet for facing elevation heights; and to permit a window to lot line setback of 8 feet in lieu of the required 15 feet on the north side of Lot 178.

For the distances between Lots 178 and 179: To permit a side building setback of 20 feet in lieu of the required window to window setback of 40 feet; to permit a height to height setback of 20 feet in lieu

IT IS FURTHER ORDERED that the Petition for Variance seeking

relief from Section 1801.2.C.2.b of the B.C.Z.R. and Section V.B.6.b to

permit a window to lot line setback of 8 feet in lieu of the required 15

feet between Lots 177 and 178, and a window to lot line setback of 12 feet

in lieu of the required 15 feet between Lots 178 and 179, in accordance

with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to a dwelling no wider than 54 feet on Lot 178. The proposed dwell-

ing on Lot 178 will be no closer than 12 feet to the

south side property line adjoining Lot 179. Further-

more, the dwelling on Lot 178 shall have no windows on

3) When applying for a building permit, the site

plan filed must reference this case and set forth and

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of

the C.M.D.P. to permit a side building setback of 20 feet in lieu of the

required window to window setback of 40 feet between Lots 177 and 178 in

accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.b to

permit a window to lot line setback of 8 feet in lieu of the required 15

IT IS FURTHER ORDERED that the Petition for Variance seeking

IT IS FURTHER ORDERED that the Petition for Variance seeking

the north side facing Lot 177.

address the restrictions of this Order.

of the required 25 feet for facing elevation heights; and to permit a window to lot line setback of 10 feet in lieu of the required 15 feet on the south side of Lot 178. The subject property and relief sought are more fully described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Thomas Faust, President of Chapel Homes, Inc., Henry Fischer, and John B. Gontrum, Esquire. Appearing as a Protestant in the matter was Frank Daily, adjacent property owner of Lot 177.

Testimony and evidence presented revealed that the subject property, known as Lot 178 of Hunters Run, consists of 0.178 acres, more or less. zoned D.R. 3.5 and is proposed for development with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the location of existing improvements on both sides of the subject property, the requested variances are necessary in order to develop the property consistent with other homes in this development. Testimony revealed that the requested variances are necessary in order to meet market demands for larger homes with windows on smaller lots. Mr. Faust testified that 70% of the homes in this development have windows on both sides of the dwelling. The house on adjoining Lot 177 has windows on the south side facing Lot 178. In addition, the house on Lot 179 is nearing completion and has been built with windows on both sides. The Petitioner proposes to construct a dwelling 56 feet in width on Lot 178, with windows on both sides, and thus, has requested the instant variances. The Petitioner testified that this development was approved under the old C.M.D.P. regulations and as a result, must meet those requirements; however, under the current regulations no variances would be necessary.

Mr. Frank Daily appeared and testified in opposition to the relief requested. Mr. Daily resides on adjacent Lot 177 and is generally opposed to the location of the proposed dwelling. He stated that he would like to see a greater distance between the proposed dwelling and his home.

Further testimony revealed that this Developer has several model homes from which to choose within this development. The dwelling proposed for Lot 178 is known as the Talbot and is 56 feet wide. In the opinion of this Zoning Commissioner, the Developer could construct a smaller home on this lot without compromising the character of the neighborhood and still meet the needs of any prospective buyer. Furthermore, in order to address the concerns raised by Mr. Daily, I shall restrict the Developer from placing windows on the north side of the proposed dwelling. Accordingly, a modified relief shall be granted and I shall so Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

1) whether strict compliance with requirement would

difficulty for an area variance, the Petitioner must meet the following:

unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

Office of Planning and Zoning

Baltimore County Government Zoning Commissioner

June 15, 1994

(410) 887-4386

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE W/S Blueleaf Court, 331'S of c/l Hunters Run Drive (10 Blueleaf Court) 8th Election District - 3rd Councilmanic District Chapel Homes, Inc. - Petitioner Case No. 94-406-SPHA

Dear Mr. Gontrum:

Suite 113 Courthouse

Towson, MĎ 21204

400 Washington Avenue

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Thomas Faust, President Chapel Homes, Inc., P.O. Box 4397, Timonium, Md. 21093

People's Counsel

814 Eastern Blvd.

to the Zoning Commissioner of Baltimore County

for the property located at #10 Blueleaf Court

which is presently zoned This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.2.b and the previous CMDP Section V.B.6.c to allow side building setback of 20 feet in lieu of the required 40 foot window to window setback; 1801.2.C.1 and the previous CMDP Section V.B.3.b to allow height to height setback of 20 feet for facing elevation reights in lieu of the required 25 feet; 1801.2.C.2.b and the previous CMDP Section V.B.6.b to allow window to lot line of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or setback of

rectical difficulty)
\*and special hearing to amend the final development planof Sec. VI feet in
\*unter's Run lieu of the Petition for Special Hearing and Variance is sought to conform house on Run lot 178 to houses already constructed on adjacent lots which call for dwelling and garage attached. Proposed house would be in basic conformity with the new development requirements which permit great flexibility in the size and placement of houses than those required in effect at the time of the final Property is to be posted and advertised as prescribed by Zoning Regulations. development plan.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

be bound by the zoning regulations and restrictions of Saltimore County adopted pursuant to the Zoning Law for Saltimore County.

We do solemnly ductors and affirm, under the consists of panury, that the are the Chapel Homes, Inc.

John B. Gontrum, Esquire (410)560-1182 Maryland ROMADKA, GONTRUM & MCLAUGHLIN, P.A.

Essex, Maryland 21221 (410)686-8274

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. 658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

After due consideration of the testimony and evidence presented,

it is clear that practical difficulty or unreasonable hardship will result

if the special hearing and variance relief, as modified, were not granted.

It has been established that special circumstances or conditions exist

that are peculiar to the land or structure which is the subject of these

requests and that the requirements from which the Petitioner seeks relief

will unduly restrict the use of the land due to the special conditions

unique to this particular parcel. In addition, the relief granted will

not cause any injury to the public health, safety or general welfare and

public hearing on this Petition held, and for the reasons given above, the

more County this buday of June, 1994 that the Petition for Special

Hearing to approve an amendment to the final development plan of Hunters

Run, Section VII, be and is hereby GRANTED for a proposed dwelling on Lot

the B.C.Z.R. and Section V.B.3.b of the C.M.D.P. to permit a height to

height setback of 22 feet in lieu of the required 25 feet for facing eleva-

relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of

the C.M.D.P. to permit a side building setback of 22 feet in lieu of the

required window to window setback of 40 feet between Lots 178 and 179, be

tion heights between Lots 178 and 179, be and is hereby GRANTED; and,

special hearing and variance relief, as modified, should be granted.

178 a maximum of 54 feet in width; and,

and is hereby GRANTED; and.

Pursuant to the advertisement, posting of the property, and

THEREFORE, IT, IS ORDERED by the Zoning Commissioner for Balti-

IT IS FURTHER ORDERED that a variance from Section 1B01.2.C.1 of

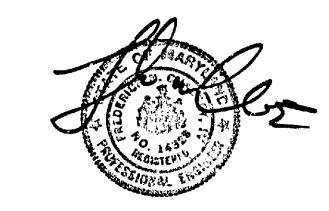
IT IS FURTHER ORDERED that the Petition for Variance seeking

is in strict harmony with the spirit and intent of the B.C.Z.R.

ZONING DESCRIPTION LOT 178, BLK. G. HUNTERS RUN, SECTION 7

Beginning at a point on the west side of Blueleaf Court which is 50 feet wide at the distance of 331.25 feet south of the center line of the nearest improved intersecting street, Hunters Run Drive which is 50 feet wide. Being Lot #178, Block G, Section VII in the subdivision of Hunters Run as recorded in Baltimore County Plat Book S.M. 60, Folio 54, containing 0.178 Ac. ±. Also known as #10 Blueleaf Court and located in the 8th Election District.

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCE OR AGREEMENTS.



MOOT; and,

following restrictions: